IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 68 OF 2007

MR. MERWYN CORDO, ARPORA, BARDEZ GOA. ... Petitioner

Versus

STATE OF GOA THROUGH THE CHIEF SECRETARY AND 5 ORS., ... Respondents

Mr. Joseph Vaz, Advocate for the petitioner.

Mr. G. Shirodkar, Addl. Govt. Advocate for respondents No.1 to 4.

Mr. V. A. Lawande, Advocate for respondent No.6.

Coram:- R.M.S. KHANDEPARKAR & R. S. MOHITE, JJ.

Date:- 25th October, 2007

P.C.

Heard. In view of the clear admission on the part of the respondent No.6 that the area comprised of the stilt parking cannot be converted and used for any other purpose, including for the purpose of residence, unless necessary regularisation in accordance with the provisions of law is granted by the competent authorities and the grievance in the petition being that the respondent No.6 has sought to convert the stilt parking area into the residential premises and still trying to convert the remaining stilt parking area into a residential premises, the learned Advocate for the respondent No.6 has fairly admitted that the matter will have to be now decided by the competent authority to whom the respondent No.6 has applied for regularisation of such stilt parking for the purpose of residence and till then, the status quo will have to be maintained.

2. Once, there is no dispute that as per the approved plans, the

concerned area was reserved for stilt parking, the question of permitting the respondent No.6 or his agents to use the said area for any other purpose, including for residential purpose, does not arise at all. Admittedly, the respondent No.6 has already approached the competent authority for regularisation in that regard. Being so, without going into all other issues which are sought to be raised in the matter and leaving those issues open, at the stage of admission itself, the petition can be disposed of with the direction that the respondent No.6 or his agents shall not use the stilt parking area, either converted without prior sanction or otherwise, for any purpose other than for parking.

3. The stilt parking area whcih is sought to be converted as residential area, without obtaining the necessary permission for regularisation, shall also not be used for any purpose other than for parking.

4. The petitioner has also sought to contend that the respondent No.6 is not entitled seek a declaration as the power of attorney, on the strength of which the entire construction has been carried out by the respondent No.6, has already been revoked by the petitioner. Needless to say that this issue also will have to be addressed to by the authority dealing with the matter regarding regularisation at the instance of the respondent No.6. The Authorities shall decide all those issues which are raised by the parties in relation to the request made by the respondent No.6 for regularisation and objections thereto by the petitioner, in accordance with the provisions of law and after hearing the parties. The respondents, their agents, transferees are restrained from using the stilt parking area in the building in question for any purpose than for parking purpose till the appropriate decision by the competent authority and subject to such decision. They shall further maintain the status quo, i.e. the area should be used as stilt parking area without creation of any third party right. The petition is, accordingly, disposed of in above terms with no order as to

costs.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.

ssm.